

**Before the
Federal Communications Commission
Washington, DC 20554**

FCC 15M-17

In the Matter of)	EB Docket No. 03-152	10318
)		
WILLIAM L. ZAWILA)	Facility ID No. 72672	
)		
Permittee of FM Station JBGS, Coalinga, California)		
)		
AVENAL EDUCATIONAL SERVICES, INC.)	Facility ID No. 3365	
)		
Permittee of FM Station KAAX, Avenal, California)		
)		
CENTRAL VALLEY EDUCATIONAL SERVICES, INC.)	Facility ID No. 9993	
)		
Permittee of FM Station KYAF, Firebaugh, California)		
)		
H. L. CHARLES d/b/a FORD CITY BROADCASTING)	Facility ID No. 22030	
)		
Permittee of FM Station KZPE, Ford City, California)		
)		
LINDA WARE d/b/a LINDSAY BROADCASTING)	Facility ID No. 37725	
)		
Licensee of FM Station KZPO, Lindsay, California)		

ORDER

Issued: May 13, 2015

Released: May 13, 2015

On March 19, 2015, the Presiding Judge released *Order*, FCC 15M-10, directing the parties to submit new Notices of Appearance. That same day, the Presiding Judge released *Order*, FCC 15M-11, instructing William L. Zawila and Verne J. White to submit evidence that establishes the identities of the owners, officers, and any other individuals who control the operations of Avenal Educational Service, Inc. ("Avenal") and Central Valley Educational Services, Inc. ("Central Valley"). In response to these *Orders*, the Presiding Judge received

certain pleadings by fax and surface mail. However, those documents were not filed with the Commission's Office of the Secretary and therefore have not been properly filed as a matter of record.

Filing Instructions for Hard Copies

Pleadings and other documents that the parties seek to file with the Presiding Judge as hard copies must be submitted to the Office of the Secretary.¹ The first page of such filings must include the following text below the proceeding's caption but above the title of the filing:

To: Marlene H. Dortch, Secretary
Attn: Chief Administrative Law Judge Richard L. Sippel

Parties filing hard copies must provide the appropriate number of copies as required by the Commission's Rules. Additionally, the parties are encouraged to e-mail courtesy copies of all filings to the other parties; the Presiding Judge; the Office of Administrative Law Judges' Attorney Advisor, Austin Randazzo; and the Office of Administrative Law Judges' Legal Technician, Patricia Ducksworth.

Instructions for Electronic Filing

For reasons of judicial and administrative effectiveness and efficiency, electronic filing through the Commission's Electronic Comment Filing System ("ECFS") is also authorized. Counsel for each party intending to make any filings online shall consult the Secretary's guidelines for electronic filing in docketed proceedings as found on the Secretary's page of the Commission's website.

Counsel filing electronically shall retain the electronic proof of filing receipt that is provided after successfully filing a pleading. Counsel shall then e-mail a courtesy copy of the electronically filed document and the proof of receipt to the other parties; the Presiding Judge; the Office of Administrative Law Judges' Attorney Advisor, Austin Randazzo; and the Office of Administrative Law Judges' Legal Technician, Patricia Ducksworth.²

The parties are reminded that e-mailing courtesy copies is not a substitute for effective service upon other parties. Even if a party opts for electronic filing, the other parties must be physically served with the filed document as required by the Commission's Rules and orders, unless there is common agreement to accept service by e-mail or by fax.³ Bear in mind, service by mail invites delays.

¹ See Electronic and Hard Copy Filing Address, *available at* <https://www.fcc.gov/encyclopedia/electronic-and-hard-copy-filing-address>. See also How to File Paper Documents with the FCC, *available at* <https://www.fcc.gov/guides/how-file-paper-documents-fcc>.

² The Office of Administrative Law Judges is not responsible for monitoring EDOCS/ECFS system for documents that are filed in this proceeding. Failure to provide the Presiding Judge and staff with the necessary timely courtesy copy of the filed pleadings and proof of filing receipt is likely to cause unneeded delay in the consideration and processing of the item.

³ 47 C.F.R. § 1.47(d).

Modification to the Service List

It is clear that there are conflicting claims as to the identities of permittees Avenal and Central Valley. Due to such circumstances, it is essential that counsel for all claimants be served with all pleadings in this proceeding. Mr. Zawila is presumed to already be on all parties' service lists. However, Michael Couzens, a latecomer to this proceeding who is claiming to be counsel for Avenal and Central Valley, may not currently be on the service lists. Accordingly, all parties shall serve their pleadings upon Mr. Couzens at the following address until further notice:

Michael Couzens
Michael Couzens Law Office
6536 Telegraph Avenue, Suite B201
Oakland, CA 94609

Of course, Mr. Couzens may also be served by e-mail or fax if the parties can all agree to such alternative methods.

Parties Must Refile

Not one of the parties named in the caption has properly filed its pleadings in response to *Orders*, FCC 15M-10 and FCC 15M-11. The Presiding Judge attributes this seemingly universal error to a lack of awareness of the Commission's procedures for filing in formal hearing proceedings before an administrative law judge.

Accordingly, the parties shall review the Commission's Rules and the instructions presented above, and then refile their pleadings. Renewed notices of appearance shall be filed on or before **May 22, 2015**. Pleadings and evidence responsive to *Order*, FCC 15M-11, shall also be submitted on or before **May 22, 2015**.

Bureau's Comments

The Enforcement Bureau ("Bureau") filed Comments on the control of Avenal and Central Valley on May 13, 2015. In those Comments, the Bureau requests that the Presiding Judge cancel the authorizations for FM Stations KAAX and KYAF, as well as any underlying applications, on grounds that Avenal and Central Valley were not qualified applicants under Section 73.503(a) of the Commission's Rules at the time they filed their applications. However, this issue has not been designated to the Presiding Judge.⁴ If the Bureau wishes the Presiding Judge to consider the matter, it must move to enlarge the issues set for hearing.⁵ If the issue is added, the Bureau must submit a new motion seeking relief. The Presiding Judge will not consider motions that are buried within a pleading that is ostensibly filed for another purpose. Such requests must be made in separate pleadings.

⁴ See *William L. Zawila*, Order to Show Cause, Notice of Opportunity for Hearing, and Hearing Designation Order, FCC 03-158, 18 FCC Rcd. 14938, 14967-68 ¶ 113 (rel. July 16, 2003) ("HDO").

⁵ See 47 C.F.R. § 1.229(b)(3).

Accordingly, the relief sought by the Bureau in its Comments is denied.

SO ORDERED.

FEDERAL COMMUNICATIONS COMMISSION⁶



Richard L. Sippel
Chief Administrative Law Judge

⁶ Courtesy copies of this *Order* sent by fax on issuance to Mr. Zawila and by e-mail on issuance to Mr. Couzens and Enforcement Bureau counsel.